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FIGHTING TERRORISM

A memorial report dedicated to the victims of terrorism

INTRODUCTION

This Memorial Report is **dedicated to the victims of terrorism**. All our thoughts go out to them as we mark the first anniversary from the most deadly terrorist attack in Europe. This day is an occasion for us to once again express our sympathy and extend our solidarity towards those who lost their lives or still bear the mental and physical scars of that tragic day. That day was a sad one for all European citizens and those who believe in the strong ideals that the EU has stood for since its inception: democracy, tolerance, freedom, human rights and the rule of law. **When an EU citizen becomes a victim of terrorism it is the entire community of citizens of the Union that is affected.** It is for this reason that the EU, as a whole, must defend the ideals and values of all EU citizens.

The EU has been fighting terrorism for more than a decade. The terrorist attacks in the U.S of September 11th, and subsequent ones like those in Casablanca and Bali, made us more aware of the dangers terrorism poses to our lives. Following these attacks we made instrumental progress in working more together to confront terrorism. Unfortunately, this did not stop March 11 from happening.

We all need to reflect well on the forceful lead the EU is taking in the fight against terrorism for the sake of our security and freedom. In this Memorial Report, we present the achievements that are having a **practical value for the lives of EU citizens** and pointing out what urgent work still needs to be done and how we plan to achieve the goals we are setting.

The threat of terrorism is complex and is sometimes perceived as obscure and unpredictable. Complacency is not an option. We need to be **aware of the nature of the fight** so that we can all contribute towards securing our freedom. This Memorial Report will hopefully stimulate reflection and encourage reactions from citizens on **how we can together overcome terrorism and those who support or condone it**. The Report provides the opportunity to launch a large scale civic debate on the challenges of fighting terrorism, while guaranteeing full respect for fundamental rights and freedoms and the rule of law.

WHY IS FIGHTING TERRORISM A TOP PRIORITY FOR THE EU?

Terrorism strikes at the very core of the basic values on which the EU is founded

An attack against an EU citizen is an attack against the Union of diversities and the Union of minorities in which no race, people or religion dominates the other. It is an **attack against the principles of communal life** that is based on the respect for the other and on equality. Terrorism seeks to destabilise societies by creating tension, fear and panic through violence perpetrated on innocent citizens. Reactions to the Madrid events of last year made it clear that a terrorist attack on any part of the EU affects the EU in its entirety. This is natural because the EU is a union of countries who have lately agreed on a Constitution that awaits final approval by all and that solemnly announces the principle of **solidarity**. One cannot divide, by region or country, the security of such a union. Just as the solidarity shown by all Member States towards Spain last year was a moving proof of a truly united EU, **the same unity cannot be absent when devising ways towards preventing terrorism.**

Member States cannot fight terrorism alone

The threat of terrorism has changed. It no longer involves countries merely dealing with persons who operate within their borders and perpetrate violence and terror to advance their 'cause'. Nor does it involve terrorists advancing a clearly identified cause of 'national liberation' relating to a particular geographical area. Terrorists nowadays operate through **international networks and across borders**. Furthermore, the **potential scale of attacks is such that their effects could cross borders easily** affecting different Member States at one go (for example, a terrorist attack on a chemical facility in one Member State could produce effects across a number of other Member States). In other words, the coordination required to fight terrorism effectively means no Member State can fight terrorism alone anymore. Strongly aware of this fact, the EU has been developing a counter-terrorism policy in which Member States **fight terrorism together with equal determination, commitment and in full respect for human rights and fundamental freedoms** as laid down in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union.

Fighting terrorism together brings better results

Working together has already allowed Member States, for instance, to agree on a **common definition of a terrorist offence or a terrorist-related offence**.¹ This prevents terrorists from choosing the Member State to escape to, or where to commit a terrorist act, depending on how seriously it treats terrorism. A shared legal definition of what is an act of terrorism and the approximation of the level of penalties for such acts has **built mutual trust between Member States**. Another benefit of fighting terrorism together and with a common approach is that terrorists can **no longer abuse the different rules of procedure in Member States** in order to escape justice: a judicial decision coming from one Member State that requests the arrest and surrender of a person must be applied in all the other Member States. Therefore, following the creation of the European Arrest Warrant², complicated and varying extradition procedures are something of the past.

Certain EU bodies that are already in place, like Europol³ and Eurojust⁴, have an important role in improving cooperation that eventually leads to **more successful investigation and prosecution of cross-border crime including cross-border terrorism**. Europol is the European Union law enforcement organisation that handles criminal intelligence and has recently seen an increase in its staff in order to operate more effectively. Its aim is to improve the effectiveness and cooperation between the competent authorities of the Member States in preventing and combating serious international organised crime. Eurojust has a similar mission but consists of a network of judicial authorities rather than law enforcement ones. These are only some of the **examples of the added value that an EU response to a cross-border terrorist threat has brought**.

WHAT IS THE NATURE OF THE FIGHT?

An integrated approach to a complex threat

Our action in the fight against terrorism is based on the absolute primacy of the rule of law. The March 11 events revealed that the threat is serious and complex. Our response has to be the same and we **cannot resort to simplistic solutions or short-cuts** that turn out to be ineffective in the long term. This means that we fight terrorism by the law and within the law. **Fighting terrorism is about preserving our most fundamental and cherished human**

rights but we must uphold those very same principles we are so adamant to defend at every little step of the fight. The fight, therefore, has to be resolute, pervasive and systematic but solidly anchored in a legal framework that assures absolute respect for human rights and fundamental freedoms, including European and international human rights principles.

Our **fearless and democratic response to the attacks of March 11 revealed a certain maturity** that ought to make us proud. After all, the EU has been instrumental in helping its Member States strengthen their hardly-won democratic credentials. On the world stage, the **EU has been a point of reference** throughout its short history for its defence of fundamental freedoms and the fight against terrorism will not change that.

The EU is fighting terrorism in the **short, the medium and the long term**, attaching identical importance to each. For instance, we cannot only concentrate on law enforcement authorities chasing the terrorists and bringing them to justice when we know that for every terrorist caught, another one is in the making who, perhaps, a few months back was a normal law-abiding citizen showing sympathy to the ‘cause’ that the terrorists proclaim. In other words, if we fail to **identify and address those factors that lead to feelings of sympathy towards terrorism** – probably the initiation process of many potential terrorists - then that would not be too different to failing to thwart an attack by known terrorists. Citizens would be right in condemning both failures.

All terrorism must be fought

The Union is determined to relentlessly fight terrorism and all forms of violent action. Many Member States have suffered terrorism at home in the past and developed expertise in dealing with it. The international dimension that the threat has taken, however, has left Member States not so well-equipped anymore to deal with it individually. Furthermore, the **EU makes no distinction between different kinds of terrorism when it comes to condemning or fighting it**. Nevertheless, it would be absurd to deny that different strands of terrorism do exist. To be effective, we have to know in depth the particularities of each and adapt our strategy accordingly. Therefore, although the most visible type of terrorism these days is that which purports to have an ‘Islamic cause’ (in the same way as in the seventies it had a ‘Red’ or ‘Black’ cause) we are committed to confront with equal vigour all types and forms of terrorism. The use of **violence and terror on innocent people, irrespective of the ‘ideal’ behind it, has no place in our societies**.

Coherence with other policies of the EU

As terrorism requires a global response, coherence between all the policies of the EU is necessary for our fight against terrorism. The EU is fighting terrorism from every imaginable angle and that means **our counter-terrorism policy overlaps with other well-established policies of the EU**. For instance, we cannot attempt to prevent biological or chemical attacks without working in close cooperation with those in charge of the EU health policy. Likewise, a programme for the protection of critical transport infrastructure (i.e ports, railways, airports, roads etc) must be well anchored within the overall transport policy of the EU. This is the only way we can ensure that the fight against terrorism is strong, effective and coherent. **If this web of cooperation is lacking, the time will come when the terrorists will exploit the defects in our approach**. That is not a human risk the EU is willing to take. The Council has in fact appointed a Counter-terrorism Coordinator to oversee that coordination does indeed take place. The Commission, on the other hand, has organised itself to ensure that those in

charge of formulating policy (from the Commissioner to the lowest-ranking official) in all areas affecting terrorism co-ordinate on a regular basis within a clearly defined structure⁵.

THE EU STRATEGY FOR PREVAILING OVER TERRORISM

The EU Plan of Action

The EU has a **clear strategy** for overcoming the terrorist threat. It has developed a plan of action which it **reviews every six months** (at the end of every Presidency) to ascertain it is being followed. Such periodic reviews, apart from assessing progress and checking that deadlines for particular measures are being respected, prevent the plan from becoming too rigid in the face of changing circumstances requiring a revision. This *EU Plan of Action on Combating Terrorism*⁶ is divided into **seven objectives** which the EU wants to achieve. The **measures** that are needed to reach each of these objectives, whose **political responsibility** it is to carry them out as well as the **time period** within which they must be adopted have been decided. EU and Member State institutions may regularly consult the *EU Plan of Action* and verify whether the EU is delivering on its promises. If the measures have been carried out, they can then assess whether, or to what extent, the collection of measures adopted managed to reach the objective that was set.

The changes and improvements that the past year has brought to the fight against terrorism are encouraging. The EU managed to transform the **increased political will** and determination of the Member States into practical results. After intense soul-searching in the immediate aftermath of March 11, the EU declared **more emphasis on ensuring that Member States are implementing existing EU legislation** rather than preparing too much new legislation. Citizens will be denied the benefits of the EU counter-terrorism policy if Member States fail to introduce EU legislation, on which they have agreed and in whose formulation they participated, into their own law.

The European Commission, traditionally in charge of proposing to the European Parliament and the Council the direction to take for a particular policy, has been very active in this regard in the field of counter-terrorism. It has presented **five documents, or Communications**⁷, **that clearly outline the path the EU should take on various aspects of the fight against terrorism**. The Council is considering most of the Commission's proposals for the way forward and has supported its intention to take the next step of preparing legislation or whatever is required (for example, reorganisation of internal structures).⁸

Terrorism has substantially changed the challenge of security policies in a number of sectors. The Commission has recognised the importance of this. For instance, in May 2004 the Commission decided to reinforce security matters in energy and transport. It shall continue the work already underway in the consolidation and monitoring of the Community legislation to improve security in aviation, maritime and land transport as well as in the energy sector. Security has definitely become a new quality dimension therein.

Letting information flow

In our borderless Europe, only an EU-level response to terrorism can be effective while respectful of our fundamental rights and freedoms. **In a situation where physical persons can move freely across borders upon entering the Union, terrorist-related information must flow as smoothly both within and across Member States.** Member States must build

trust among themselves by **agreeing on minimum standards** for the handling, processing and transfer of information. Thus, citizens benefit from the increased security that the sharing of valuable information brings without fearing that their privacy rights are being trampled upon. The Commission is already consulting with the Member States to agree on the basic principles that should underlie this type of exchange. The ultimate port of call will be to have **a system in which the information that is available to authorised law enforcement officers in one Member State will also be available to their counterparts in other Member States**. By the end of 2005, legislation that fleshes out this ‘principle of availability’ or of ‘right of equivalent access to information’ will be presented by the Commission, as foreseen by the **Hague Programme** adopted in November 2004, in which the EU established its priorities for the next five years in the area of justice, freedom and security.⁹

Above all, the EU views with tremendous importance the need to **strengthen the link between intelligence services and law enforcement authorities**. Cooperation from the Member States and changes at EU level are therefore needed. At the European level we want to achieve the identical result by finding ways in which European law-enforcement structures like Europol benefit as well from information gathered by police, security and intelligence services when appropriate.

Intelligence, once gathered, organised, cross-checked and analysed may be transformed into periodic threat assessments that could influence the type of political action we take and the priorities that we set. Keeping in touch with a constantly changing environment is fundamental for the fight against terrorism. Structural changes have been made to **improve the link between intelligence and our political action**. Thus, the group of the Chiefs of Police of the Member States has now provisionally become part of the Council structure while being operationally linked with Europol. This puts it in an ideal strategic place to receive all useful information. The processing of such information will bring immense benefits to having this strong link between intelligence and policy-making.

Stopping those who feed terrorism

Better cooperation in the exchange of information and intelligence is also one of the ways in which the illegal transfer of money to finance terrorist attacks or networks may be better detected. The EU is intent on tearing down the terrorists’ support base by **severing the link between those who provide the resources and those who carry out the attacks or mastermind them**. In October 2004, the Commission tabled a *Communication on the prevention of, and the fight against, terrorist financing*. It has proposed to **increase transparency of financial transactions and legal entities**, including non-profit ones. This makes suspicious transfers and sham organisations or entities, who take advantage of the absence of international transparency standards, easier to detect. It also makes terrorists easier to locate. Cooperation between relevant public bodies and the private sector, **in full respect of data protection rules**, is being improved too. Overall, more emphasis is being placed on **financial investigations** and they must become a routine aspect of law enforcement in Member States. Certain bodies at EU level (like CEPOL) are providing specifically targeted training for law enforcement officers in this area. Others (like the Commission and Europol) provide the structure within which Member States can help each other by sharing their expertise.

Rooting out terrorism

Prevention is also a guarantee of efficiency in the fight against terrorism. As mentioned earlier, the EU firmly believes in its longer term strategy of eradicating the problem of terrorism at source. During the last year it has decided to take the subject seriously on board. This requires that we **identify the factors that are, first, radicalising people and, second, making them turn to violence or join terrorist groups**. Such a complex task needs a multi-disciplinary approach. Experts working in different fields in academia, NGOs and other important organisations like, among others, the Council of Europe and the UN will be consulted in order to produce the **most comprehensive analysis possible** of the problem. Of course, the natural step after this exercise will be to **address one by one the factors we have identified**. The EU has started working on this and will have a clear strategy outlined for tackling the problem by the end of 2005 (as foreseen in the Hague Programme which expressly fixes such a deadline).

Managing the consequences of an attack when precaution fails

Irrespective of the amount of precautionary measures we take, we can never have the absolute guarantee that terrorists will not manage to find a way around them and strike nonetheless. This means that we also have to be completely prepared and able to manage the consequences of an attack quickly and efficiently **so that lives are saved, mass panic avoided and normality restored in the shortest time possible**.

i) Civil protection

The EU, as a keen promoter of collective action, has a lot to offer to Member States since the **scale of a terrorist attack can easily surpass their ability to individually handle its consequences in good time**. A specific mechanism is already in place through which the EU **enhances preparedness and facilitates mutual assistance** between Member States in the event of major disasters, including terrorist attacks. Several Member States have already benefited from such civil protection assistance following natural disasters like floods and forest fires. The Commission has been sponsoring the organisation of exercises where experts from different Member States are placed in **simulated terrorist-related scenarios** in order to test the real effectiveness and efficiency of certain procedures and expertise. A new cycle of **training courses** started in September 2004. Similarly, the Commission has updated its **databases which contain information on all the capacities each Member State could make available** if an attack occurs in another Member State. Specific databases for specific scenarios (e.g a chemical or a biological attack) have also been compiled.

ii) Health Emergency Plans

In terms of health security matters the Commission is analysing the different health emergency plans of Member States to test **how compatible they are with one another**. No matter how much the EU values and promotes the concept of solidarity, Member States would be unable to express it if incompatibility surfaces. Furthermore the Commission wants to have a **general health emergency plan for the EU** which is now under preparation. Other examples of work by the Commission, in cooperation with the Member States, are the development of models that can predict how diseases and agents spread in different circumstances and the training in how to investigate the outbreak of contagious diseases.

iii) Rapid Alert Systems

The EU can take pride in having a number of well-functioning systems which in the case of emergencies can alert the relevant personnel within other Member States and within the Commission so that rescue operations can be coordinated and organised instantly. **At the onset of a crisis, rapidity and coordination of a response are crucial for saving people's lives.** The Commission is now aiming at **better coordination between the individual rapid alert systems** since certain crisis situations, including those resulting from a terrorist attack, may **cut across various EU policies** like health, environment, security and transport.

The Commission's proposal, in its *Communication on preparedness and consequence management in the fight against terrorism*¹⁰, to create the central system that links all existing specialised rapid alert systems at EU level has been accepted and work is already underway. Baptized with the name **ARGUS**, this overarching system will provide a **new central entry point for all alerts** while respecting the specific characteristics, competence and expertise of the individual and specialised alert systems which will continue to carry out their current functions. In connection with ARGUS, the Commission is now preparing to set up a central **Crisis Centre** that would, during an emergency, bring together representatives from the different services of the Commission. This Centre will coordinate efforts so as to evaluate the best practicable options for action and to decide on the appropriate response measures. **This crisis management system which expresses solidarity in a structured, integrated and durable way ensures our efficiency in preventing, preparing for and responding to attacks.**

Since responses to terrorist attacks require also the participation of traditional law enforcement (naturally essential to keeping public order and security in a society), the Commission is now preparing the ground for the creation of a **rapid alert system at EU level that allows law enforcement authorities of different Member States to be in contact with one another in an emergency situation.** This will be proposed for decision by the Council.

iv) Critical Infrastructure

In line with what it proposed in its *Communication on critical infrastructure protection in the fight against terrorism* (October 2004), the Commission is now setting up a **warning system**¹¹ for the protection of critical infrastructure as part of a wider EU protection programme regarding the same. By 'critical infrastructure' we mean any physical or information technology facility, network, service or asset which, if disrupted or destroyed, would have a serious impact on the health, safety, security or economic well-being of citizens or the effective functioning of governments in the Member States. **The EU would bring added value to the protection of that infrastructure whose disruption or destruction would cause effects across different Member States.**

Since many of these structures are fully or partially operated by private bodies, the **success of any protection programme depends on the cooperation and level of involvement we can achieve with the private sector** in the field. This is part of a more general dialogue between the public and the private sector about security issues that the Commission is pushing for. Whether it is about monitoring financial flows or reinforcing the resilience of critical infrastructures, private operators will have a crucial role to play in guaranteeing the security of citizens. The engagement of the private sector to identify and develop **new solutions towards the security enhancement of goods and services** must be done at the earliest stage possible.

Engaging the private sector

Industry understands that investing in security is **a necessity not an option**. On the other hand the Commission is willing to show the same level of commitment and support the business community through, for example, financial means or sponsoring of research programmes.¹² Our job is to try and **minimise as much as possible any negative impact** that increased security investments might have on **the competitiveness of a particular industry**. In calculating the proportionality of the cost, however, one must not lose sight of the bigger picture: the need to maintain stability of markets that is crucial for long-term investment; the influence security has on the evolution of stock markets and on the macro-economic dimension.

Helping the victims

Our work does not stop if, notwithstanding all our intense efforts for prevention, preparedness and consequence management of a terrorist attack, innocent citizens lose their lives or suffer physical injury or mental distress. **This Memorial Report is a testimonial of the EU's commitment towards the victims of terrorism and their loved ones**. The Commission has already selected certain **programmes that it will financially support** to help the victims of terrorism, some of which are aimed specifically at helping the victims overcome their painful experience while others have more of an educational, informative or academic aim. During 2005 the Commission, is thus supporting, among others, programmes, conferences, information campaigns organised by associations, NGOs or institutes whose work is related to helping the victims of terrorism. EU Programmes offering protection for **victims who are also witnesses** in terrorism cases are now also in preparation.

External relations and the fight against terrorism

The EU also has a crucial role to play in promoting a comprehensive global approach to the fight against terrorism, particularly when one considers the added value that a union of 25 countries has in terms of political clout on the world stage. The impetus for this external action is partly due to the growing realisation that **internal and external security are intrinsically linked**, as pointed out in the European Security Strategy¹³. More open borders and increased global integration and inter-dependence mean that threats to the security of the EU, such as terrorism, must be addressed by the EU in its external relations as well as internally. The objective is to **make the fight against terrorism part of all aspects of the EU's external actions**. We need not only to share our counter-terrorism skills and capacities but also our values - namely, the importance of upholding the rule of law and fundamental rights and freedoms as an integral part of combating terrorism.

The *EU Plan of Action for Combating Terrorism* devotes no less than two objectives out of seven to EU external actions: **deepening the international consensus** to combat terrorism; and **targeting actions, particularly technical assistance, towards priority third countries**. Activities that we are already engaged in with others include:

- **Supporting the key role of the United Nations** to ensure universal adherence to and full implementation of UN Security Council Resolutions – encouraging full implementation of the 12 international counterterrorism conventions and protocols, the early adoption of a comprehensive UN Convention against Terrorism and the Convention against Nuclear Terrorism;

- *Providing technical counter-terrorism related assistance* to a range of third countries (around 80 including several targeted priority countries) where capacity needs to be enhanced including: the drafting of counter-terrorism legislation; financial law and practice; customs law and practice; immigration law and practice; extradition law and practice; police and law enforcement work; illegal arms trafficking and capacity building for the judiciary;
- *Working closely with international bodies* like the UN Counter-Terrorism Executive Directorate, the UN Office on Drugs and Crime, the G8, OSCE, Council of Europe and Financial Action Task Force;
- Including *counter-terrorism clauses* in all agreements with third countries to provide a basis for counter-terrorism cooperation;
- *Addressing the underlying causes of terrorism*, including through development assistance to erode the support base for terrorist networks, through a focus on poverty reduction, good governance, and the promotion of participatory development processes; and
- *Increasing cooperation with key partners and in particular the United States*, characterised by daily cooperation between intelligence and police services; the establishment of a new High Level Policy Dialogue on Border and Transport Security; the conclusion of agreements on extradition and mutual legal assistance, and between Europol and US agencies; and close contacts between Eurojust and US judicial authorities.

Many of the other issues that were mentioned above also have an external dimension. For instance, the policy for protecting critical infrastructure should take into consideration infrastructure found outside the borders of the EU but within its neighbourhood. Similarly, a long-term strategy to prevent radicalisation and recruitment into terrorism must be developed in close collaboration with interested countries as well as within international fora like the United Nations, the Council of Europe, the Euro-Med Process and in Asia-Europe Meetings (ASEM).

CONCLUSION – THE WAY FORWARD

If there is one lesson to be learned from the events of March 11 it must be this: that **increased coordination between the Member States of the EU, and of the EU with international partners**, is our only hope of fighting terrorism effectively and preserving the values and principles of peace, democracy, tolerance, diversity and respect for human rights that we have fought so hard to achieve. We hope that March 11 will remain etched forever in the memory of all Europeans so that the increased political will to work closer together in the fight against terrorism does not weaken. **We owe it to the victims of all terrorism.**

The **fight against terrorism is a major aspect of the EU's goal to achieve an area of justice, freedom and security.** After all, the fight against terrorism combines the three elements by guaranteeing, through a process that is legal and therefore just, the security of citizens so that they can enjoy their freedoms without hindrance. We have seen how the EU is working hard to achieve this by the increasing development of its counter terrorism policy in full coordination with all the other policy areas that can play a role in the fight against terrorism. **The Commission believes that the EU has a key role in focusing actions in combating terrorism.**

This Memorial Report is **an occasion to engage all the citizens** of the EU in a debate about how to secure freedom in the fight against terrorism. This is merely the **start of a much longer democratic process aimed at raising awareness and sparking reflection about the principal values that the EU must defend and uphold in its fight against terrorism.**

ANNEX

1. THE EUROPEAN COUNCIL DECLARATION ON COMBATING TERRORISM 25 MARCH 2004

In response to the terrorist atrocities in Spain the European Council of the European Union declared their combined objective that “the Union and its Member States pledge to do everything within their power to combat all forms of terrorism in accordance with the fundamental principles of the Union, the provisions of the Charter of the United Nations and the obligations set out under United Nations Security Council Resolution 1373 (2001)”.

The Declaration sets out overarching objectives designed to improve co-operation between Member States and their police/security forces and to assist the victims of terrorism.

2. THE EUROPEAN UNION STRATEGIC OBJECTIVES TO COMBAT TERRORISM (REVISED PLAN OF ACTION)

The European Council Declaration on Combating Terrorism 25 March 2004 updated the Plan of Action bringing out the overarching objectives of the Declaration into strategically achievable tasks. The Plan of Action has 7 Objectives which are specific, measurable and achievable tasks for the European Union focusing on Member State and international co-operation, within Member States and the Union as a whole as well as externally with 3rd country partners. The ability of Member States to cope with a terrorist attack and work in co-operation against the activities of terrorist within the Union is the aim of such co-operation.

3. THE EUROPEAN COMMISSION COMMUNICATIONS

In response to the European Council Declaration the European Commission has published 5 Communications dealing with combating terrorism:

- (1) Towards enhancing access to information by law enforcement agencies
- (2) Prevention, Preparedness and Response to terrorist attacks
- (3) Prevention and the Fight against Terrorist Financing through Measures to Improve the Exchange of Information, to Strengthen Transparency and Enhance the Traceability of Financial Transactions
- (4) Preparedness and the Consequence Management in the Fight against Terrorism
- (5) Critical Infrastructure Protection in the Fight against Terrorism.

The main elements of the Communications are:

- **INFORMATION EXCHANGE:** improving the accessibility of Member State databases within the Union and exchange of information.

- **ARGUS**: overarching crisis alert system to co-ordinate all of the crisis management programmes of the Commission.
- **LEN**: the creation of a Legal Enforcement Network to facilitate greater exchange of information between the police forces of Member States.
- **EPCIP**: the creation of a European Programme for Critical Infrastructure Protection consolidating and bringing together the Commission capability to advise and assist in critical infrastructure protection measures.
- **TRANSPARENCY/TRACEABILITY/EXCHANGE**: to tackle the financing of terrorism the Commission wants greater co-operation and exchange of information to facilitate the tracing of terrorist funds.

4. THE EUROPEAN COUNCIL - THE HAGUE PROGRAMME

The Presidency of the European Council Conclusions re-affirmed “the priority it attaches to the development of an area of freedom, security and justice, responding to a central concern of the peoples of the States brought together in the Union”¹. This programme is effectively the EU's agenda for the further development of migration and asylum-related policies. The European Council, composed of the heads of state and government of the 25 EU Member States, decided on this programme. The document contains proposals and deadlines for the areas in which the Council would like to see policy decisions. This makes the programme more of a "wish list," and not a detailed policy document.

5. SOME FUTURE ACTIVITIES OF THE EUROPEAN UNION

- Creation/implementation of ARGUS
- Creation/implementation of EPCIP
- Creation/implementation of LEN
- Communication on radicalisation and recruitment of terrorists
- In-flight security legislative package
- Communication on ensuring greater security in explosives, bomb-making equipment and firearms
- Proposal of a binding legal instrument to designate national correspondents within the security/intelligence services in MS as regards to the application of certain measures of cooperation on fighting against terrorism established in Article 4 of Common Position 2001/931/CFSP
- Proposal for a binding legislative instrument aiming at the establishment of an EU Network of Bomb Disposal Squads.
- Undertake a study to show European best practice in the area of information exchange and report possible areas of improvement in light of the study

- Commission/Europol examine information exchange mechanisms to facilitate information exchange between law enforcement and private sector
- Advance work on the gathering of electronic information
- Establish priorities among the 150 measures identified by the Action Plan on Fighting Terrorism adopted by the European Council meeting of the 18th of June, undertaken by the inter-service group chaired by JAI Directorate D;
- The Commission is to monitor the implementation by Member States of measures agreed at EU level;
- The Commission is to put forward a policy paper on a communication strategy with public opinion and civil society on “how to live in a world where terrorism is a reality to be taken into account”;

End Notes

¹ Council Framework Decision of 13 June 2002 on Combating Terrorism (2002/475/JHA) (OJ L 164 of 22 June 2002, p.3)

² Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) (OJ L 190 of 18 July 2002, p.1)

³ Europol was created by Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention) [Official Journal C 316 of 27.11.1995] to improve police cooperation between the Member States to combat terrorism, illicit traffic in drugs and other serious forms of international crime.

⁴ Eurojust is an EU body created in 2002 and is based in The Hague

⁵ The Commission has set up High-Level Inter-Service Groups as well as several specialised working groups to better coordinate the fight against terrorism.

⁶ The most recent update to the *EU Plan of Action on Combating Terrorism- Update* was made on 29th November 2004 by the Dutch Presidency in Council.

⁷ A total of five Communications were issued by the Commission since March 11, 2004. These are: ‘Towards enhancing access to information by law enforcement agencies’, COM (2004) 429 16th June 2004; ‘Prevention, preparedness and response to terrorist attacks, COM (2004) 698, 20th October 2004; ‘Prevention of and the fight against terrorist financing’, COM (2004) 700, 20th October 2004; ‘Preparedness and consequence management in the fight against terrorism’ COM (2004) 701, 20th October 2004; ‘Critical infrastructure protection in the fight against terrorism’ COM (2004) 702, 20th October 2004

⁸ see European Council Conclusions of December 17 and 18, 2004.

⁹ *The Hague Programme - strengthening freedom, security and justice in the European Union* was prepared by the European Council on 4th November 2004 and builds on the 1999 Tampere programme by setting a new and ambitious five-year course to strengthen freedom, security, and justice within the 25 Member States of the EU. The document contains proposals and deadlines for the areas in which the Council would like to see policy decisions.

¹⁰ see *Communication on Preparedness and Consequence management in the fight against terrorism*

¹¹ a Critical Infrastructure Warning Information Network (CIWIN) - an EU network to assist Member States, EU Institutions, owners and operators of critical infrastructure to exchange information on shared threats,

vulnerabilities and appropriate measures and strategies to mitigate risk in support of critical infrastructure protection.

¹² With the aim of testing the conditions for launching a fully-fledged Security Research Programme within the 7th RDT Framework Programme from 2007 onwards, the Commission is conducting a Preparatory Action in the field for Security Research (2004-2006).

¹³ *A Secure Europe in a Better World - The European Security Strategy*, approved by the European Council held in Brussels on 12 December 2003 and drafted under the responsibilities of the EU High Representative Javier Solana